

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Crane, LLC 10700 Abbott's Bridge Road, Suite 170 Duluth, GA 30097 Telephone Number 470-321-7112 (main) Telephone Number 973-575-0707 (local) Attorneys For Secured Creditor Laura Eggerman, Esq. (LE-8250)	CASE NO.: 17-34412-KCF CHAPTER 13
In Re: BRIAN ERIC BLONDEK and MICHELE CHRISTINE BLONDEK, Debtors.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR MORTGAGE LOAN TRUST 2005-8F, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-8F ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 19), and states as follows:

1. Debtors, Brian Eric Blondek and Michele Christine Blondek, ("Debtors"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on December 4, 2017.
2. Secured Creditor holds a security interest in the Debtors' real property located at 9 BELLE DRIVE, WEST LONG BRANCH, NJ 07764, by virtue of a Mortgage recorded on September 14, 2005 in Book 8494, at Page 6674 of the Public Records of Monmouth County, NJ. Said Mortgage secures a Note in the amount of \$413,700.00.
3. The Debtors filed a First Modified Chapter 13 Plan on December 22, 2017.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtors are inaccurate. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$58,961.70,

whereas the Plan do not propose to pay any arrearage. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$58,961.70 as the pre-petition arrearage over the life of the plan.

5. Debtors are obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).
6. Based on Debtors' Schedules, the Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed Plan payments. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtors' Plan, and for such other and further relief as the Court may deem just and proper.

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By: /s/Laura Eggerman
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CERTIFICATION OF SERVICE

1. I, Laura Eggerman, represent Secured Creditor in this matter.
2. On 1/16/2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.

I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

1/16/2018

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone Number 973-575-0707 (local)
By: /s/Laura Eggerman
Laura Eggerman, Esquire
NJ Bar Number LE-8250

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
William H. Oliver, Jr. 2240 State Highway 33 Suite 112 Neptune, NJ 07753	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Brian Eric Blondek 9 Belle Drive West Long Branch, NJ 07764	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Michele Christine Blondek 9 Belle Drive West Long Branch, NJ 07764	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	US Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)